

# **CASCADE COUNTY**

## **ZONING BOARD OF ADJUSTMENT**

Meeting Minutes

December 5, 2019

09:00 AM

Room #105, Courthouse Annex

Cascade County Commissioners Chambers

**Board Members:** *Bill Austin, Charles Kuether, Michele Levine, Leonard Reed, and Rob Skawinski*

**Notice:** Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at [cascadecountymt.gov](http://cascadecountymt.gov) and the Planning Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). Timestamps are indicated in red, within each agenda item below, and will direct you to the precise location should you wish to review the audio segment.

These minutes are **paraphrased** and **reflect** the proceedings of the Zoning Board of Adjustment. These minutes are considered a draft until the Zoning Board of Adjustment approves them.

**Staff Present:** Sandor Hopkins, Destiny Gough, and Charity Yonker.

**Public Attendees:** Charles Cottrell, Chuck Crowell, Rick Higgins, Sam Keaster, Steve Keaster, Russ McDaniel, Jim Moore, Robby Osowski, Vicki Stevenson, Diane Whitmore, and Spencer With.

1. **CALL TO ORDER:** Bill Austin called the meeting to order at 09:00 AM

2. **ROLL CALL**

**BOARD MEMBERS PRESENT:** Bill Austin, Charles Kuether, Michele Levine, and Leonard Reed.

**BOARD MEMBERS ABSENT:** Rob Skawinski.

3. **APPROVAL OF MINUTES:**

A. September 17, 2019, Meeting Minutes (Pending Completion)

B. October 24, 2019, Meeting Transcript (Pending Completion)

C. November 18, 2019, Meeting Minutes (Pending Completion)

4. **OLD BUSINESS:** None.

5. **NEW BUSINESS:**

A. Special Use Permit 015-2019, Light Manufacturing and Assembly – Samuel Keaster

1. Staff Report presented by Sandor Hopkins.

2. Board discussion and action.

**Board Discussion**

Michele Levine [00:26:50]: asks staff various questions regarding the approaches and surrounding roads,

Sandor Hopkins: responds.

Michele Levine [00:27:55]: asks questions regarding the site plan and proposed future building.

Spencer Woith [00:28:45]: states that there are no plans for additional structures and clarifies

details regarding the site plan and intended sound buffers. Elaborates on concerns related to traffic, access, and future growth.

**Michele Levine [00:31:20]**: asks if the applicant has any objections to the limitations on hours of operations. Mr. Woith states, "No."

**Bill Austin [00:31:35]**: asks about normal hours of operation. Mr. Woith states, "Seven to Six."

**Charles Kuether [00:31:48]**: asks about the cutting.

**Spencer Woith [00:31:55]**: explains that the cutting will be conducted indoors and describes the equipment that will be used, as well as seasonal aspects of the business.

#### **Public Hearing opened.**

**Bill Austin [00:32:49]**: opens public comments beginning with proponents.

**Jim Moore [00:33:20]**: expresses his support for the business and the owner. States that the noise level is not a problem for him. Explains his concerns with the roads in the surrounding area but does not believe that the applicant's business is responsible for the issues and that the impact is miniscule. He believes a strong work ethic should be rewarded and that this business enhances the local economy and provides jobs.

**Russ McDaniel [00:36:22]**: identifies himself as the principal of the Ulm School and that he supports this business proposal, however his concern is related to the traffic conditions along Ulm-Vaughn Road and speaks broadly regarding the issues in the area with the roads. He is also concerned about fumes and dust.

**Charles Kuether [00:37:32]**: asks if there is a sign that shows speed limit and asks Mr. McDaniel for clarification regarding a proposed reader sign that would show drivers their speed.

**Vicki Stevenson [00:38:49]**: states that she does not have any problems with the business, however, expresses concerns regarding the physical and traffic conditions of the roads surrounding the property. Asks a question regarding the well on the property which is answered by staff and the applicant. Has a discussion with Bill Austin regarding the road and the use of County taxes to maintain the roads.

**Charles Kuether [00:42:45]**: asks specific details regarding road ownership and notes that the southern road is a State of Montana road.

**Bill Austin [00:43:00]**: closes the proponent section and opens the floor to opponents.

**Charles Cottrell [00:43:37]**: states that he and other Rolling Meadows property owners are opposed to this use and asserts that this business meets the definition of Heavy Industrial use and that the impact is too great for this area. Expresses concerns that the environmental impacts will be too great, and air and waste control has not been sufficiently addressed.

#### **Public Hearing closed.**

**Bill Austin [00:46:00]**: closes public hearing and moves to board discussion.

#### **Board Discussion and Decision**

**Michele Levine [00:46:10]**: asks staff to address the difference between light industrial and heavy industrial.

**Sandor Hopkins [00:46:20]**: provides the definitions from the Cascade County Zoning Regulations.

**Bill Austin [00:47:44]:** asks the applicant for clarification regarding the nature of the business and the scope of expansion. Mr. Woith provides responses to Mr. Austin's question.

*Various members of the public provide clarification regarding this facility and that this is a new facility and use on the property and that is new to the Ulm area. The Board has a discussion among themselves regarding the interpretation of the definitions and asks legal for clarification on a determination regarding the definitions.*

**Bill Austin [00:52:10]:** asserts that he believes this is a Light Industrial use.

**Leonard Reed [01:04:55]:** states he does not believe this could be considered a Heavy Industrial use and elaborates on his reasoning.

**Charles Kuether [00:52:38]:** notes that the definition of Light Industrial appears to capture the proposed use and elaborates on his reasoning.

**Michele Levine [00:54:10]:** agrees with Mr. Kuether and states she believes staff has provided mitigating conditions. She further elaborates on the scope of the ZBOA's authority and what they are able to address, specifically with regards to the roads.

**Charles Kuether [00:55:54]:** discusses the need for additional conditions and the viability of imposing those conditions and the likelihood that they may be appealed. Further discusses the nature of the public concerns for that area and the ZBOA's role in addressing those concerns.

**Board members [00:56:40]:** discuss the application, the conditions of the area, and the concerns related to development with regards to road usage and general regard for the rule of law, as well as possible solutions for the public to address their issues.

**Charles Kuether [00:58:56]:** moves for the Staff Report motion Alternative 2.

**Michele Levine:** seconds the motion.

Motion passes 4-0.

**6. PUBLIC COMMENTS REGARDING BOARD MATTERS:**

**Bill Austin [01:01:15]:** asks for comment.

**Sam Keaster:** thank the Board for their time and consideration.

**7. BOARD MATTERS:**

**Board members [01:03:00]:** discuss the potential reappointments of Ms. Levine and Mr. Kuether and how many applications have been submitted for the position. The Board asks questions regarding conditions related to SUP 006-2019 and the related appeal.

**Sandor Hopkins:** provides updates regarding the appeal and information regarding the proceedings. Then, provides updates regarding various projects that are expected to come before the ZBOA in the near future.

*The Board and staff discuss staffing levels and possible procedural changes to streamline processes.*

**8. ADJOURNMENT:**

**Charles Kuether [01:16:10]:** makes a motion to adjourn.

**Michele Levine** seconds the motion.

*All in favor 4-0, meeting adjourned at 10:16 AM*